

70



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,079	11/30/2001	Yoon Kean Wong	035451-0165 (3703.Palm)	4525
26371	7590	03/17/2005	EXAMINER	
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			PHAM, TUAN	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/998,079

Applicant(s)

WONG ET AL.

Examiner

TUAN A PHAM

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/12/02
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 03/12/2002 has been considered by Examiner and made of record in the application file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 3, 7-11, 13, 16, 18-21, 23, 26, and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Albukerk et al. (U.S. Patent No.: 5,929,848, hereinafter, "Albukerk").**

**Regarding claim 1, 11, and 21**, Albuberk teaches a method and a portable electronic device, comprising: a processor (see figure 2, PID 101, processor 207, col.9, ln.16-18); a transceiver coupled to the processor (see figure 2, transmitter 217, receiver 203), the transceiver configured to receive and transmit communication signals (see figure 2, transmitter 217, receiver 203); a memory coupled to the processor (see figure 2, memory 209, processor 207); and a program stored in the memory and running on the processor configured to receive an association signal by the transceiver (see col.10, ln.53-67), the association signal providing an indication of adjacent resources (see

figure 1, object identification device 107a send a resource signal to PID 101a, the signal 109a is associated with object 103a, col.9, ln.23-54), the program further configured to access a database including a table storing relationships between data stored on the portable electronic device and the association signal (see figure 1, col.9, ln.10-54, when PID 101a receives the signal from OID 107a, the processor will access to the storage device 205 for checking the associated data that corresponding to the receiving signal), and the program configured to index the data based on the relationships accessed in the database (see figure 4, col.10, ln.11-53, i.e., index is corresponding objected identifier 401, objected type 403).

**Regarding claims 3, 7, 13, 18, and 23,** Albuberk further teaches the method and portable electronic device, wherein the association signal includes a signal from a wireless access point (see figure 1, OID 107a).

**Regarding claims 8, 16, and 26,** Albuberk further teaches the method and portable electronic device, wherein the association signal includes an infrared signal (see col.8, ln.25).

**Regarding claims 9, 19, and 28,** Albuberk further teaches the method and portable electronic device, further comprising: retrieving data stored on the portable electronic device and related to the associating signal (see col.9, ln.10-31).

**Regarding claims 10, 20 and 29,** Albuberk further teaches the method and portable electronic device further comprising: displaying the data retrieved (see col.11, ln.15-25).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 2, 12, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albukerk et al. (U.S. Patent No.: 5,929,848, hereinafter, "Albukerk") in view of Colson et al. (Pub. No.: US 2002/0078075, hereinafter, "Colson").**

**Regarding claims 2, 12, and 22,** Albukerk teaches a method and a portable electronic device, comprising: a processor (see figure 2, PID 101, processor 207, col.9, ln.16-18); a transceiver coupled to the processor (see figure 2, transmitter 217, receiver 203), the transceiver configured to receive and transmit communication signals (see figure 2, transmitter 217, receiver 203); a memory coupled to the processor (see figure

2, memory 209, processor 207); and a program stored in the memory and running on the processor configured to receive an association signal by the transceiver (see col.10, ln.53-67), the association signal providing an indication of adjacent resources (see figure 1, object identification device 107a send a resource signal to PID 101a, the signal 109a is associated with object 103a, col.9, ln.23-54), the program further configured to access a database including a table storing relationships between data stored on the portable electronic device and the association signal (see figure 1, col.9, ln.10-54, when PID 101a receives the signal from OID 107a, the processor will access to the storage device 205 for checking the associated data that corresponding to the receiving signal), and the program configured to index the data based on the relationships accessed in the database (see figure 4, col.10, ln.11-53, i.e., index is corresponding objected identifier 401, objected type 403).

It should be noticed that Albuberk fails to teach the prioritizing data. However, Colson teaches such features (see figure 1, PDA 46, col.3, [0061]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Colson to Albuberk, in order to process the priority data from the database first.

**7. Claims 4-6, 14-15, 17, 24-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albukerk et al. (U.S. Patent No.: 5,929,848, hereinafter, "Albukerk") in view of Schulze et al. (Pub. No.: US 2002/0019584, hereinafter, "Schulze").**

Regarding claims 4, 14, and 24, Albukerk teaches a method and a portable electronic device, comprising: a processor (see figure 2, PID 101, processor 207, col.9, ln.16-18); a transceiver coupled to the processor (see figure 2, transmitter 217, receiver 203), the transceiver configured to receive and transmit communication signals (see figure 2, transmitter 217, receiver 203); a memory coupled to the processor (see figure 2, memory 209, processor 207); and a program stored in the memory and running on the processor configured to receive an association signal by the transceiver (see col.10, ln.53-67), the association signal providing an indication of adjacent resources (see figure 1, object identification device 107a send a resource signal to PID 101a, the signal 109a is associated with object 103a, col.9, ln.23-54), the program further configured to access a database including a table storing relationships between data stored on the portable electronic device and the association signal (see figure 1, col.9, ln.10-54, when PID 101a receives the signal from OID 107a, the processor will access to the storage device 205 for checking the associated data that corresponding to the receiving signal), and the program configured to index the data based on the relationships accessed in the database (see figure 4, col.10, ln.11-53, i.e., index is corresponding objected identifier 401, objected type 403).

It should be noticed that Albuberk fails to teach the association signal includes a Bluetooth signal. However, Schulze teaches such features (see col.13, [0174]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Schulze to Albuberk, in order to communicate in short range.

**Regarding claims 5, 15, and 25**, Schulze further teaches the method and portable electronic device wherein the association signal includes an IEEE 802.11 signal (see col.13, [0174]).

**Regarding claims 6, 17, and 27**, Schulze further teaches the method and portable electronic device wherein the association signal includes a biometric signal (see col.13, [0174]).

### Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Borgstahl et al. (U.S. Patent No. 6,487,180), Lehtikainen et al. (U.S. Patent No. 6,847,823), Liang et al. (Pub. No.: U.S. 2002/0136184), and Sugar et al. (Pub. No.: U.S. 2002/0061031) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s). These references are also concerned for supporting the system and method for interference mitigation among multiple WLAN protocols.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and

**IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to: (703) 872-9306

Art Unit: 2643

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2643  
February 29, 2005  
Examiner

Tuan Pham

  
CURTIS HUNT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600